

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, August 28, 2013**

1. Call to Order:

Chairman Preston Hicks called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker	John Godfrey	John Stetler
Jan Frantz	Preston Hicks	Dave Walters

Members Excused: Mayor Susan Baldwin, Chip Spranger, and Daniel Buscher

Staff Present: Christine Hilton, Planning Supervisor
Jill Steele, Deputy City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of March 27, 2013.

**MOTION WAS MADE BY COMMISSIONER FRANTZ, SUPPORTED BY
COMMISSIONER BARKER, TO APPROVE THE PLANNING COMMISSION
REGULAR MEETING MINUTES FOR MARCH 27, 2013 AS PRESENTED.**

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: Letter of support from Westlake/Prairieview Neighborhood Planning Council for Special Use Permit #S-03-13, on today's agenda.

Commissioner Hicks Opened the Public Hearing

6. Public Hearings and Deliberation/Recommendations:

- A. Special Use Permit #S-03-13:** Petition from Carroll Development & Property Management, Mr. Thomas Carroll, President, 1125 E. Michigan Ave., Ste. #2, Battle Creek, MI. Requesting an amended Special Use Permit of the following described properties for expansion of a Planned Unit Residential Development (PURD) for Keystone Lake Phase III to build an additional four (4) Luxury Rental Buildings (28 units in total) as permitted under the Planning and Zoning Code, Chapter 1290.01(b)(20), for properties located at 229 Gethings Circle; Parcel #0072-00-505-0; and Gethings Road, Parcel #0622-30-102-0.

Ms. Christine Hilton, Planning Supervisor, referenced the staff report noting this was a request to amend a special use permit that approved a Planned Unit Development in 1999, at that time had multiple meetings and discussions for a few years which resulted in an approval for 40 units and they are now asking to add additional units onto the eastern area of land that has open vegetation currently that would become maintained. Ms. Hilton stated that the approval is a two-step process with the Planning Commission and City Commission; noted a tentative plan is submitted to Planning Commission and also City Commission and a public hearing is held, they then have one year to bring back a final plan to both commissions and would not require a public hearing if the plan had not changed. Ms. Hilton noted there are two review standards for a Planned Unit Development; the first is to make sure it is consistent with the chapter for PUD and also with the eight standards that the Planning Commission is familiar with. Said the staff had reviewed the request based on the ordinance chapters and with the conditions outlined in the staff report; they recommend approval.

Chairperson Commissioner Hicks reviewed the meeting guidelines for the Public Hearing and asked the petitioner to come forward to speak.

Mr. Christian Plasencia, Asset Manager, Carroll Development, reside at 1137 E. Michigan Avenue, Battle Creek, was present on behalf of Carroll Development. Stated Carroll Development is a family business for the past 40 years that includes Keystone Lake Development which consist of 12.5 acre site of 2-3 bedroom homes having up-scale amenities and attached garages that offer homes for high ranking executives within the community. Noted there is a lack of rental housing in Battle Creek currently and recent articles state there may be an increase of 1,000 new jobs within the area. Mr. Plasencia said they held an held an informational meeting on April 2nd with the neighbors to answer any questions and receive feedback, also attended the Neighborhood Planning Council meetings and had made changes to their plans per their suggestion and revisited their May, NPC meeting and received their approval by all the members.

Mr. Plasencia provided several aerial maps of their project; one showing 2.5 acres that divides them with the other single-family residential properties; one showing the green space and pond that will be maintained for the new development and one showed a drawing of the building elevations of the structures with attached garages, also the interior room floor plans and photos. Mr. Plasencia noted they had received an award for the best floor plan designs with having an open floor plan designs in the entire state of Michigan.

Mr. Plasencia stated on May 20th at the Neighborhood Planning Council meeting they had received their approval and noted the City Planning Department staff report states their support; said they are here today seeking the approval of the Planning Commission of their plan and thanked them for their consideration.

Mr. Mike Magers, 142 Westchester Way, stated he disagrees with the statement from Mr. Plasencia regarding neighborhood support. Stated the meeting was held during Spring Break and many families were not available to attend, also tonight being meet the teacher night and families not able to attend. Noted they had meet with Carroll Development with regards to the first designs and asked for them to be home ownership and not rental properties and feel they will continue to move closer into their single-family homes and do another phase, also concerned about the extra traffic

and the lighting being too bright and feels the green space is not correct as shown on the map. Said they have concerns about the garbage dumpsters being noisy etc., and request this to be denied.

Mr. Atlee McFellin, 113 Westchester Way, stated he has lived there about 10 years and the Keystone Development was already there and had done some investigating; noted was a retired police officer and was under the impression this development would not be expanding and decided to buy their home and would not have if he thought they were expanding. Stated he had attended their meeting on April 2, 2013 and asked why it was being held during Spring break and also during a Tuesday evening during City Commission meeting; was told they were not aware it was Spring break nor during a City Commission meeting. Said he had been into their development entering and exiting is a problem because of the vegetation on Gethings and that what you see from Gethings is cars, single car garage doors and garbage cans. Stated he is respectfully asking this request to be denied and that his property is on a hill to and can see the tops of the apartment buildings.

Mr. Brian Duclos, 143 Westchester Way, stated he had moved there one-year ago and was glad to be back in his hometown. Stated he works at Kelloggs and had lived in the Keystone rentals for 3 months prior to purchasing their home and that they are not luxury rental apartments as they have no trim on the inside of their closets and the carpet is bad. Said he was told by his co-workers to move and purchase property in Kalamazoo/Portage instead of the Battle Creek area; he believes there is a value to being a part of the community of which you work and contribute as a community together. Stated he does not believe that 150 ft. is not a long distance between their properties and the development and is asking for it to be denied.

Mr. Elmer Hoover, 106 Westchester Way, stated his property backs up to the property that is between this development and his property; which is just a yard and not a wooded area. Said he went to the first meeting when the project began and that Mr. Carroll told them it would be condos and owner occupied, but they are rentals and does not believe what he says. Said he believes they should build closer to the corner instead of encroaching on the neighborhood. Stated he did not want to attend tonight, as it seems to not matter what the neighbors want; but is asking the city to take into account how the neighbors feel and the character of the neighborhood when making a decision.

Ms. Eileen Martens, 124 Westchester Rd., stated she has lived in the neighborhood for 18 years and was told originally it was to be condos, single-family dwellings. Said that in the past many years ago on E. Michigan Avenue, the Carroll Co. built the Ott Preserve which was one property and then built another differently and did not look nice like what was shown. Stated she purchased their property in a single-family neighborhood and do not want to live near apartments and would not have bought their property if they would have known.

Ms. Helen Guzzo, 125 Sterling Court, stated she was the Secretary of their Home Owners Association. Said she they are concerned about the multi-family rental housing in an area that is zoned single-family homes and does not see them as luxury housing and they are not in character with the neighborhood. Stated they have a lot of vacant farm land around their neighborhood and they are scared it will become rental housing. Said they want to protect their property values and love to see development in the city of Battle Creek; but the nature of the open land and the possibility of it becoming multi-family rental housing is very concerning to the neighbors and the enjoyment of their neighborhood and homes.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

MOTION BY COMMISSIONER FRANTZ, SUPPORTED BY COMMISSIONER GODFREY TO APPROVE THE TENTATIVE PLAN FOR AN AMENDED SPECIAL USE PERMIT FOR AN EXPANSION OF A PLANNED UNIT RESIDENTIAL DEVELOPMENT (PURD) FOR KEYSTONE LAKE PHASE III TO BUILD AN ADDITIONAL (4) LUXURY RENTAL BUILDINGS (28) UNITS IN TOTAL AS PRESENTED TO INCLUDE THE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT; WITH ONE ADDITIONAL CONDITION THAT THE LINE OF SIGHT ISSUE BE REVIEWED.

Discussion:

Commissioner Frantz asked who the owner was of the adjacent 2.5 acre property that is adjacent to this development. Ms. Hilton stated it is owned by a private individual that is for sale and is zoned single-family residential.

Commissioner Walters stated that he is in agreement with Commissioner Frantz regarding the traffic engineers need to get involved for this area; said he believes it is an issue and did not see anything from them in the report. Stated berms could be an alternative for the line of site issue, asked the developers if they have been considered.

Mr. Christian Plasencia, stated in the original plans the line of site issue, berms had come up was discussed at the three NPC meetings; but the neighbors wished it to be an evergreen buffer that would remain year round and had changed the plans to accommodate the neighbors wishes and had included an additional minimum of 15 ft. wide evergreen buffer on the east property line. Said that would make a screen between the property lines at all different heights year round.

Commissioner Godfrey asked Ms. Hilton to discuss zoning as there were concerns between the existing neighbors and the zoning that is available for a PUD and how they intermix. Ms. Hilton stated every property in the city is placed in a zoning district and that this entire vicinity is zoned R-1B "Single Family Residential" and that a Planned Unit Development is allowed anywhere within the city by Special Use Permit with those two different sets of criteria that she mentioned earlier. Stated the basis for a PUD is to allow for the flexible and creative development of land over and above what was previously outlined by State statute meaning platting or a site condominium type of project; which can take up to two years for development of a sub-division, subsequently our ordinance was adopted for that to allow the flexible and creative use of land; which says the density not be the main criteria for review. Stated the density they are proposing would be less than if it were single-family units and could then still rent them out; also note the landscape buffer is on this property and the expansion to the east will be minimal as the ordinance requires a 75 ft. setback; therefore it would be difficult to expand any closer onto that neighboring property.

Commissioner Frantz stated regarding Phase III, which is what they are discussing on today's agenda and had been provided a packet today from the Keystone Lake Development which included letters attesting to the ongoing and future need for executive housing in Battle Creek. Said she can confirm additional testimony that with the addition of more than 1,000 new jobs in the Fort Custer Industrial Park and expansions of Denso, Post and TRMI; which several also include bringing executive people into our area, there is a growing need to find housing for them, which is difficult

and would prefer they choose to reside in the Battle Creek area as opposed to Townships and Villages outside of our municipality, therefore a case has been made for the need.

Commissioner Walters stated he disagrees with the gentleman that he believes in what the neighbors say is important and agrees with Commissioner Frantz regarding the need to have people reside in our city. Said when you look at the different factors; condition (b) the normal harmonious situation, (c) use be not hazardous or disturbing, to him is existing for future neighboring uses and (d) use shall be an substantial improvement to the property in the immediate vicinity of the community. Said personally even if he does want to see the development, he is not sure that he is ready to say yes until he can investigate further and does not feel comfortable approving at this time.

Commissioner Stetler said he feels we can mix multi and single-family housing together without any problem as there would not be any noise and would still be residential use. Said they had done it in the Huntington Hills where it was multiple-family and single-family in the same development and was harmonious there, so it can be done and think when the neighbors see it they will concur; but they have concerns at this time because of all the unknowns. Stated it would be a reasonable land use and hopes it is approved.

Commissioner Godfrey asked the developer if they had heard the resident's concerns and have they made alterations to their specific plans regarding those concerns. Mr. Plasencia stated yes, they had attended three Neighborhood Planning Council meetings and received input and had made the following changes to their plans: 1) Additional access drive proposed onto Gethings Road was eliminated; 2) Screenings were proposed with evergreens. Said their concern regarding a decrease in their property values; there is no evidence of this and that persons who lived in their development chose to purchase nearby in the Windamere subdivision. A 15 ft. wide minimum buffer was proposed and regarding dumpsters; there are none in the community, they use cans which are kept in their garages. Noted regarding the traffic concern; they have eliminated a second access drive on Gethings Road, which would encourage persons to use Helmer Rd. rather than south 24th Street (where persons expressed concern); also according to traffic data from the Institute of Transportation Engineers if this land were built as single-family subdivision were to be built, it would create nearly double the amount of traffic than what Keystone Lake creates.

Commissioner Frantz asked Mr. Plasencia regarding the photo of the units; if the back was flat or designed like the front. Mr. Plasencia stated the photo shown is the front elevation that will be facing east towards the Windamere Development, which is the nicer architectural piece.

Commissioner Godfrey asked if they can increase the density within the 15 ft. buffer area to address the concerns from the adjacent property owner in the Windamere Development. Mr. Plasencia referenced the aerial map and asked Mr. Kline, Land Planner, Carroll Development to answer.

Mr. Kevin Kline, Carroll Development stated the second house from the corner shows he will be looking at the open space and not the buildings. Said they were asked to do a mix of the evergreens in place of a berm because they are denser and could add more if needed; but he does not believe their property will be looking directly at their building and would be across from the open space.

Mr. Mike Magers asked if he could speak; said the main concern from the neighborhood is regarding working with this developer is that their comments are very nice and are presented well, but that they often do not do as they say or promises. He asked what other persons have bought in

the Windamere that had lived in there units other than Brian Duclos. Said in doing their presentations they should have adjusted their schedule with the neighbors in order to speak to them.


Commissioner Frantz asked to rescind the condition noted in her motion regarding line of sight issue as it has been addressed during their discussion.

Commissioner Hicks asked commissioners for a vote.

VOTE ON MOTION: FIVE IN FAVOR (BARKER, FRANTZ, GODFREY, HICKS, STETLER); ONE OPPOSED (WALTERS); MOTION CARRIED.

7. **Old Business:** None
8. **New Business:** None
9. **Comments by the Public:** None
10. **Comments by the Staff and Commission Members:** Commissioner Hicks thanked the Planning Department for the 2012 Annual Report.
11. **Adjournment:** The meeting was adjourned at 5:02 P.M.

Respectfully Submitted,



Christine M. Hilton, AICP.
Executive Secretary, Planning Commission